

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**VARICK TYRONE DAVIS**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 1:15-cv-73-JCG**

**NATHAN ROSS ELLSBERRY et al.**

**DEFENDANTS**

**FINAL JUDGMENT**

In accordance with the Court's Memorandum Opinion and Order Granting the Motion for Summary Judgment Due to Plaintiff's Failure to Exhaust Administrative Remedies (ECF No. 31), filed by Defendants Nathan Ross Ellsberry, Aaron Lee Hoyt, Bruce Lee Simmons, and Jeffrey Russell Frye, in their official and individual capacities (collectively "Defendants"), final judgment is hereby entered in favor of Defendants pursuant to Rule 58 of the Federal Rules of Civil Procedure. All of Plaintiff's claims are dismissed without prejudice.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the above captioned civil action is dismissed without prejudice.

**SO ORDERED** this the 12th day of August, 2016.

*s/ John C. Gargiulo*

JOHN C. GARGIULO  
UNITED STATES MAGISTRATE JUDGE